

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VIESTE, LLC, ET AL.,
Plaintiffs,

v.

HILL REDWOOD DEVELOPMENT, ET AL.,
Defendants.
AND RELATED COUNTERCLAIMS

No. C 09-04024 JSW

**ORDER GRANTING IN PART
AND DENYING, WITHOUT
PREJUDICE, IN PART RENEWED
MOTION FOR LEAVE TO FILE
EXCERPTS OF DEPOSITIONS
AND DOCUMENTS UNDER SEAL
(Docket No. 311)**

The Court has received and considered the Renewed Motion for Leave to File Excerpts of Depositions and Documents Under Seal, filed by Defendants, as well as the Declaration of Stephen Goodman in support of that motion. The Court GRANTS IN PART AND DENIES, WITHOUT PREJUDICE, IN PART Defendants' motion as follows:

Exhibit 4(a):

GRANTED.

Exhibit 1:

GRANTED AS TO:

32:16-34:5, 85:11-16, 87:11-25, 88:1-15, 89:5-19, 106:22-107:15, 113:3-13, 131:18-136:20, 163:2-12, 172:3-12, 182:4-187:7.

DENIED WITHOUT PREJUDICE AS TO:

22:1-24:21, 28:6-9, 29:9-19, 44:7-10, 47:22-49:16, 82:21-83:1 (although some of the surrounding testimony may warrant redaction); 86:6-18, 87:1-10, 88:16-89:4, 99:10-20, 106:3-21, 107:16-108:25, 116:24-117:23, 136:22-139:11, 156:10-157:13, 189:5-190:12, 195:21-196:2, 237:11-24.

Exhibit 10:

GRANTED AS TO:

41:19-42:10, 51:15-52:14, 117:11-25

DENIED WITHOUT PREJUDICE AS TO:

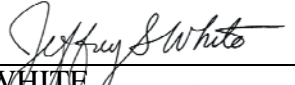
42:11-45:6, 65:7-17 (although testimony at 18-25 may warrant redaction), 103:17-22
(although surrounding testimony may warrant redaction), 118:1-15.

Defendants shall have one further opportunity to convince the Court that the excerpts as to which this motion has been denied should be sealed. If Defendants seek to maintain these excerpts under seal, they must file a renewed **declaration only** by no later than **September 30, 2011**. In addition, Defendants must be specific in their declaration, *i.e.* as to each page and line citation set forth above, they must specifically identify why each specific portion is sealable. If Defendants fail to file a renewed declaration by that date, on October 3, 2011, Plaintiffs shall electronically file a redacted version of Exhibits 1 and 10 to the Peden Declaration in the public record, in accordance with this Order, and they also shall and they shall also e-file under seal those exhibits pursuant to General Order 62.

If Defendants do file their renewed declaration by September 30, 2011, the Court shall review the declaration and make a final decision on the motion. In that event, Plaintiffs shall refrain from filing final versions of Exhibits 1 and 10, pending further order of the Court.

IT IS SO ORDERED.

Dated: September 23, 2011



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE